

05/15/2008 10:24 FAX

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
12 (HONORABLE DANA M. SABRAW)

13 SUIHUAN CAO,

14 Petitioner,

15 v.

16 MICHAEL CHERTOFF, et al.,

17 Respondents.

18 Civil Action No. 07-CV-0511-DMS (BLM)

19 DECLARATION OF QING CAO

20 I, Qing Cao, hereby declare:

21 1. I am thirty-two years old and competent to make this declaration.

22 2. I am the sister of the petitioner, Suihuan Cao.

23 3. I live at 7635 Overbrook Ave, Philadelphia PA 19151. I have lived there since
24 approximately 1990.

25 4. My brother Suihuan lived at that address with me and our family members between
26 approximately September 1994 until he was taken into immigration custody in June 2007. He did not live
27 anywhere else then, and he was not a "fugitive." Suihuan worked full time at my parents' Chinese restaurant.

28 5. My family had posted a immigration bond that permitted Suihuan to be released while his
deportation proceedings were pending. We were assisted by an attorney, Mahmoud Ramadan, Esquire, who
represented my brother in the immigration court and on appeal to the Board of Immigration Appeals. My
brother was ordered deported by the immigration judge in October 1995. Mr. Ramadan filed an appeal of that
decision.

1 6. At no time in 1999, or at any time while my brother lived at home between 1994 and
2 2007, did Suihuan or any member of my family receive any communication from the INS or any government
3 agency (federal, state, or local) instructing him to surrender himself for deportation.

4 7. At no time in 1999, or at any time while my brother lived at home between 1994 and 2007,
5 did he or any member of my family receive any communication from the International Fidelity Insurance
6 Company, or anyone else, instructing him to surrender himself for deportation. No one in my family,
7 including my brother, was ever contacted during that time period regarding surrender for deportation. In fact,
8 at one point sometime after we learned that his appeal was dismissed in 1997, we contacted the attorney,
9 Mr. Ramadan, to ask what would happen next. We were not instructed then, or at any other time, that my
10 brother should surrender himself for deportation. If we had received such instructions, we of course would
11 have brought Suihuan to the deportation officers. Suihuan was not hiding from anyone, he was just living
12 with our family and working at the restaurant. The immigration officers had our address.

13 8. I am able to state with confidence and based on personal knowledge that we received no
14 such communication because in 1999, I was the one who would check the mail and answer the phones. I lived
15 then with my father, Jian Chang Cao, mother, Yun Di Cao, oldest sister, Xiao Huan Cao, my grandmother,
16 Liu Q. Cao, and brother, Suihuan Cao, at the 7635 Overland Street address. I checked the mail daily, and I
17 would answer the phone when I was home due to my English speaking abilities. Back then, my sister and
18 brother spoke some English, but the other family members spoke only Cantonese.

19 9. We need Suihuan very badly now. My father was diagnosed with pancreas cancer last
20 month. He has a large tumor, 10 centimeters in diameter. He is going into surgery at the end of this month
21 at the Hospital of the University of Pennsylvania, on approximately May 29. We need Suihuan to be with him
22 and help care for him after the surgery, and bring him to the hospital for his appointments. The doctors are
23 not sure if the surgery will take care of the cancer, or if the cancer will come back. If he does fully recover,
24 it will take at least six or seven months.

25 10. We also need him to be working, to help pay the medical bills. Insurance does not cover
26 the entire surgery and we have a lot of bills to pay. He also has two small children who are living with us at
27 our home now. We all need to him to help support the family now.

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1 11. My family knows that Suihuan might be deported to China eventually. We have accepted
2 that. If he is asked to surrender himself for deportation, I know he would, just as he would have if anyone had
3 asked him to in 1999.

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5 I certify under the laws of the State of California, and the Commonwealth of Pennsylvania, that
6 the foregoing is true and correct. Executed in Philadelphia, Pennsylvania, on May 15, 2008.

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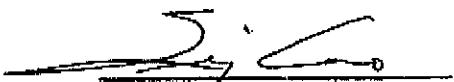
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 5/15/2008
QING CAO
Declarant